

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

NETCHOICE,

Plaintiff,

v.

JONATHAN SKRMETTI, in his official capacity as the Tennessee Attorney General & Reporter,

Defendant.

Civil Action No. 3:24-cv-01191

PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY

The Ninth Circuit has enjoined pending appeal the California Attorney General's enforcement of California Senate Bill 976's parental-consent requirements for minors to access personalized feeds. Dkt. 11.1, *NetChoice v. Bonta*, No. 25-146 (9th Cir. Jan. 28, 2025). Accordingly, parental-consent requirements for minors to access social media websites are currently enjoined nationwide—*except* Tennessee's similarly unconstitutional parental-consent requirement at issue in this case.

As explained in NetChoice's Motion for Temporary Restraining Order and Renewed Motion for Preliminary Injunction (ECF 48), the *Bonta* district court initially denied NetChoice's motion for a preliminary injunction as to that law's parental-consent requirements for minors to access personalized feeds. *NetChoice v. Bonta*, 2024 WL 5264045, at *13 (N.D. Cal. Dec. 31, 2024).

But the Ninth Circuit's order today demonstrates that the *Bonta* district court erred. Applying the same "standard for preliminary injunction in district court," the Ninth Circuit "enjoined" the California Attorney General "from enforcing California Senate Bill 976 while this appeal is pending." Dkt. 11.1, *NetChoice v. Bonta*, No. 25-146 (9th Cir. Jan. 28, 2025).

NetChoice's members need immediate injunctive relief here, just as they did in *Bonta*. NetChoice respectfully asks that this Court grant its motions for a temporary restraining order and a preliminary injunction, ECF 8, 48, prohibiting Defendant from enforcing Tennessee House Bill 1891 against NetChoice's member.

Dated: January 29, 2025

Respectfully submitted,

Junaid Odubeko (Bar No. 023809)
BRADLEY ARANT BOULT CUMMINGS LLP
1221 Broadway Suite 2400
Nashville, TN 37203
(615) 244-2582
jodubeko@bradley.com

/s/ Steven P. Lehotsky
Steven P. Lehotsky*
Scott A. Keller*
Jeremy Evan Maltz*
LEHOTSKY KELLER COHN LLP
200 Massachusetts Avenue, NW, Suite 700
Washington, DC 20001
(512) 693-8350
steve@lkcfirm.com
scott@lkcfirm.com
jeremy@lkcfirm.com

Jared B. Magnuson*
LEHOTSKY KELLER COHN LLP
3280 Peachtree Road NE
Atlanta, GA 30305
(512) 693-8350
jared@lkcfirm.com

Joshua P. Morrow*
LEHOTSKY KELLER COHN LLP
408 W. 11th Street, 5th Floor
Austin, TX 78701
(512) 693-8350
josh@lkcfirm.com
admitted *pro hac vice

Attorneys for Plaintiff NetChoice

Certificate of Service

I, Jeremy Evan Maltz, certify that on January 29, 2025, the foregoing was filed electronically via the Court's CM/ECF system, causing electronic service upon all counsel of record.

/s/ Jeremy Evan Maltz
Jeremy Evan Maltz